

MIKE BRASSEY, CHAIR
IDAHO PERSONNEL COMMISSION
P. O. Box 83720
Boise, Idaho 83720-0066
Phone: (208) 334-3345

IDAHO PERSONNEL COMMISSION

STATE OF IDAHO

GERALD MOSBRUCKER,

Appellant,

VS.

IDAHO STATE UNIVERSITY,

Respondent.

)
)
)
)
)
)
)
)
)

IPC NO. 99-07

ORDER STAYING THE PROCEEDINGS AND BRIEFING SCHEDULE

THIS MATTER comes before the Commission on Respondent Idaho State University's (ISU) Motion to Dismiss Petition and Memorandum in Support of Motion to Dismiss Petition, which were filed concurrently with the Commission on February 14, 2000.

I.

BACKGROUND AND HISTORY

Petitioner, acting *pro se* appealed his dismissal from his employment as a Maintenance Craftsman Senior with ISU. The matter was assigned to a hearing officer. The hearing officer issued his preliminary order upholding the dismissal on September 3, 1999. Petitioner subsequently filed a Petition for Review with the Commission. The Petition was dated October 11, 1999 and apparently postmarked October 12, 1999. Petitioner was unaware that he was required to provide a transcript to the Commission and there was some delay in receiving said transcript. Accordingly, the Notice of Petition for Review was not issued until February 9,

2000. The Notice of Petition for Review contained a briefing schedule and notice that a hearing on the matter would be held April 14, 2000.

On February 14, 2000, ISU filed its Motion to Dismiss Petition and Memorandum in Support of Motion to Dismiss Petition. ISU asks the Commission to dismiss the Petition for Review on jurisdictional grounds because the Petition for Review was not filed in a timely manner pursuant to IDAPA 28.01.01.202.01 (now IDAPA 15.04.01.202.01).

II.

ORDER

Under IDAPA 15.04.01.202.05(b), motions to dismiss for lack of jurisdiction shall be decided by the Commission. The briefing schedule and hearing referenced in the Notice of Petition for Review will be stayed and Petitioner will be allowed a reasonable time to respond to the Motion to Dismiss. The matter will be decided by the Commission without oral argument.

IT IS HEREBY ORDERED that:

1. The briefing schedule and hearing referenced in the Notice of Petition for Review are hereby stayed pending resolution of the jurisdictional issue.
2. Petitioner may file a responsive brief not later than March 6, 2000. The brief shall not exceed twenty (20) pages in length and shall be double-spaced. Petitioner will provide a copy of any brief filed with the Commission to counsel for ISU.
3. The Commission will rule on the matter of jurisdiction via a teleconference hearing at a time to be determined at a later date. The ruling will be made on the briefs without oral argument.

DATED this 23rd day of February, 2000.

BY ORDER OF THE
IDAHO PERSONNEL COMMISSION

/s/_____
Mike Brassey, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the ORDER STAYING THE PROCEEDINGS AND BRIEFING SCHEDULE in *Mosbrucker v. Idaho State University*, IPC No. 99-07, was delivered to the following parties by the method stated below on the 23rd day of February, 2000.

FIRST CLASS MAIL

Bradley H. Hall
General Counsel
Idaho State University
Campus Box 8410
Pocatello, ID 83209

Gerald Mosbrucker
1222 North Grant
Pocatello, ID 83204

STATEHOUSE MAIL

Ann Heilman
Director
Division of Human Resources
Statehouse Mail

Michael Adkins
Deputy Attorney General
Office of the Attorney General
Contracts and Administrative Law Division
Statehouse Mail

/s/_____
Val E. Rodriguez